

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**JACOB DANIEL REEHL,**

Plaintiff,

v.

**NANCY A. BERRYHILL,**  
Acting Commissioner of Social Security,

Defendant.

No. 3:16-cv-02205-SU

OPINION AND ORDER

**MOSMAN, J.,**

On October 6, 2017, Magistrate Patricia Sullivan issued her Findings and Recommendation (“F&R”) [17], recommending that the Court REVERSE the final decision of the Commissioner of Social Security (“Commissioner”) and REMAND this matter for further proceedings. Neither party objected to the F&R.

**DISCUSSION**

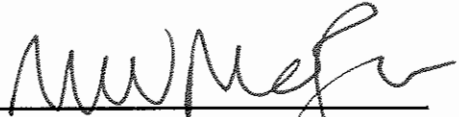
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendations as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal

conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny with which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon careful review, I agree with Judge Sullivan's recommendations and ADOPT the F&R [17] as my own opinion. The Commissioner's final decision is REVERSED and this matter is REMANDED for further analysis consistent with Judge Sullivan's analysis.

IT IS SO ORDERED.

DATED this 10 day of November, 2017.

  
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MICHAEL W. MOSMAN  
Chief United States District Judge